

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQP DEVELOPMENT, LLC,

Plaintiff,

v.

YELP INC.,

Defendant.

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Case No. 2:12-CV-656-JRG-RSP

ORDER

Before the Court is Defendant Yelp Inc.'s Motion to Dismiss Complaint for Failure to State a Claim and to Strike (Dkt. No. 15, filed November 9, 2012). The Magistrate Judge filed a report recommending that the motion be denied. (Report and Recommendation, Dkt. No. 37).

After reviewing the objected to portions of the Report and Recommendation de novo, the Court finds that the Report and Recommendation should be, and is hereby, ADOPTED. Accordingly, Yelp Inc.'s Motion to Dismiss Complaint for Failure to State a Claim and to Strike (Dkt. No. 15) is **DENIED**.

So ORDERED and SIGNED this 5th day of September, 2013.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE